

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 24-049 (SCC)

JEAN CARLOS MALDONADO-FERNANDEZ,

Defendant.

**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**  
**RE: RULE 11(c)(1)(B) GUILTY PLEA HEARING**

**I. Procedural Background:**

On February 15, 2024, defendant Jean Carlos Maldonado-Fernandez was charged in a one-count indictment. (Docket No. 11). He agreed to plead guilty to Count One of said indictment.

Count One charges that on or about February 6, 2024, in the District of Puerto Rico, and within the jurisdiction of this Court, Mr. Maldonado-Fernandez, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce a firearm and ammunition, that is, one Glock pistol, Model 23, .40 Cal. (bearing serial number BFBF226) and ammunition, said firearm and ammunition having been shipped and transported in interstate and foreign commerce, in violation of Title 18, U.S.C. §§ 922(g)(1) and 924(a)(8).

1 Defendant appeared before me, assisted by the court interpreter, on July 2, 2024,  
2 after the Rule 11 hearing was referred to me by the Presiding District Judge. *See United*  
3 *States v. Woodard*, 387 F.3d 1329 (11th Cir. 2004) (magistrate judge had authority to  
4 conduct Rule 11 guilty plea hearing with consent of defendant). He was advised of the  
5 purpose of the hearing and placed under oath with instructions that his answers must be  
6 truthful lest he subject himself to possible charges of perjury or making a false statement.  
7

8 **II. Consent to Proceed Before a Magistrate Judge:**

9 Defendant was provided with a Waiver of Right to Trial by Jury form, which he  
10 signed.<sup>1</sup> He was advised of his right to hold all proceedings, including the change of plea  
11 hearing, before a district court judge. He received an explanation of the differences  
12 between the scope of jurisdiction and functions of a district judge and a magistrate judge.  
13 He was informed that if he elected to proceed before me, a magistrate judge, that I would  
14 conduct the hearing and prepare a report and recommendation, subject to review and  
15 approval of the district judge. The defendant then voluntarily consented to proceed  
16 before me.  
17

18 **III. Proceedings Under Rule 11 of the Federal Rules of Criminal**  
19 **Procedure:**

20 Rule 11 of the Federal Rules of Criminal Procedure governs the acceptance of  
21 guilty pleas to federal criminal violations. Pursuant to Rule 11, in order for a plea of guilty  
22 to constitute a valid waiver of the defendant's right to trial, the guilty plea must be  
23

---

24  
25  
26 <sup>1</sup> The form entitled Consent to Proceed Before a United States Magistrate Judge in a Felony Case for  
27 Pleading Guilty (Fed. R. Crim. P. 11) and Waiver of Jury Trial, signed and consented by both parties is  
28 made part of the record.

1 knowing and voluntary. *United States v. Hernandez-Wilson*, 186 F.3d 1, 5 (1st Cir. 1999).  
2 “Rule 11 was intended to ensure that a defendant who pleads guilty does so with an  
3 ‘understanding of the nature of the charge and consequences of his plea.’” *United States*  
4 *v. Cotal-Crespo*, 47 F.3d 1, 4 (1st Cir. 1995) (quoting *McCarthy v. United States*, 394 U.S.  
5 459, 467 (1969)). There are three core concerns in a Rule 11 proceeding: 1) absence of  
6 coercion; 2) understanding of the charges; and 3) knowledge of the consequences of the  
7 guilty plea. *Cotal-Crespo*, 47 F.3d at 4 (citing *United States v. Allard*, 926 F.2d 1237, 1244  
8 (1st Cir. 1991)).  
9

#### 10 **A. Competence to Enter a Guilty Plea**

11 I questioned the defendant about his age, education, employment, history of any  
12 treatment for mental illness or addiction, use of any medication, drugs, or alcohol, and  
13 his understanding of the purpose of the hearing, all in order to ascertain his capacity to  
14 understand, answer and comprehend the change of plea colloquy. I confirmed that the  
15 defendant received the indictment and fully discussed the charges with his attorney and  
16 was satisfied with the advice and representation he received. In addition, I further  
17 inquired whether defendant’s counsel or counsel for the government had any doubt as to  
18 his capacity to plead, receiving answers from both that the defendant was competent to  
19 enter a plea. After considering the defendant’s responses, and observing his demeanor,  
20 a finding was made that Mr. Maldonado-Fernandez was competent to plead and fully  
21 aware of the purpose of the hearing.  
22  
23  
24

#### 25 **B. Maximum Penalties**

26 Upon questioning, the defendant expressed his understanding of the maximum  
27 and minimum penalties prescribed by statute for the offense to which he was pleading  
28

1 guilty, namely for Count One: a term of imprisonment of not more than fifth teen (15), a  
2 fine not to exceed two hundred and fifty thousand dollars (\$250,000.00), and a  
3 supervised release term of not more than three (3) years in addition to any term of  
4 incarceration.

5  
6 The defendant also understood that a Special Monetary Assessment of \$100.00  
7 would be imposed, to be deposited in the Crime Victim Fund, pursuant to Title 18, United  
8 States Code, Section 3013(a). The court explained the nature of supervised release and  
9 the consequences of revocation. The defendant indicated that he understood the  
10 maximum and minimum penalties for Count One and the potential consequences of the  
11 guilty plea.

### 12 13 **C. Plea Agreement**

14 Mr. Maldonado-Fernandez was shown his plea agreement, and the plea  
15 agreement supplement, which are part of the record, and identified his initials and  
16 signatures. He confirmed that he had the opportunity to read and discuss the plea  
17 agreement with his attorney before he signed it, that it represented the entirety of his  
18 understanding with the government, that he understood its terms, and that no one had  
19 made any other or different promises or assurances to induce him to plead guilty.

20  
21 The defendant was then admonished, pursuant to Fed. R. Crim. P. 11(c)(1)(B) and  
22 expressed his understanding that the terms of the plea agreement are merely  
23 recommendations to the court, and that the district judge who will preside over the  
24 sentencing hearing can reject the recommendation without permitting the defendant to  
25 withdraw his guilty plea, and impose a sentence that is more severe than the defendant  
26 might anticipate. The defendant was specifically informed that the court, after  
27  
28

1 considering the applicable Sentencing Guidelines, could impose a sentence different  
2 from any estimate in the plea agreement or provided by his attorney, and that the court  
3 had the authority to impose a sentence that is more severe or less severe than the  
4 sentence called for by the Sentencing Guidelines. The defendant was advised, and  
5 understood, that the Sentencing Guidelines are no longer mandatory and are thus  
6 considered advisory, and that during sentencing the court will consider the sentencing  
7 criteria found at Title 18, United States Code, Section 3553(a).  
8

9 The defendant was advised that under some circumstances he or the government  
10 may have the right to appeal the sentence the court imposes, but that pursuant to the  
11 plea agreement the defendant will waive his right to appeal both his sentence and his  
12 conviction if the court adopts the plea agreement and sentences, him according to its  
13 terms and conditions.  
14

#### 15 **D. Waiver of Constitutional Rights**

16 The defendant was specifically advised that he has the right to persist in a plea of  
17 not guilty, and if he does so persist that he has the right to a speedy and public trial by  
18 jury, or trial before a judge sitting without a jury if the court and the government so agree;  
19 that at trial he would be presumed innocent and the government would have to prove his  
20 guilt beyond a reasonable doubt; that he would have the right to the assistance of counsel  
21 for his defense, and if he could not afford an attorney the court would appoint one to  
22 represent him throughout all stages of the proceedings; that at trial he would have the  
23 right to hear and cross examine the government's witnesses, the right to decline to testify  
24 unless he voluntarily elected to do so, and the right to the issuance of subpoenas or  
25 compulsory process to compel the attendance of witnesses to testify. He was further  
26  
27  
28

1 informed that if he decided not to testify or put on evidence at trial, the failure to do so  
2 could not be used against him, and that at trial the jury must return a unanimous verdict  
3 before he could be found guilty or not guilty.

4 The defendant specifically acknowledged understanding these rights and  
5 understanding that by entering a plea of guilty there would be no trial and he will be  
6 waiving or giving up the rights I explained.

7 The defendant was informed that parole has been abolished and that any sentence  
8 of imprisonment must be served, and that his guilty plea may result in loss of important  
9 civil rights, such as the right to vote, to hold public office, to serve on a jury, and to  
10 possess a firearm. The defendant confirmed that he understood these consequences of  
11 the guilty plea.  
12

13  
14 **E. Factual Basis for the Guilty Plea**

15 Defendant was read in open court Count One of the indictment and provided an  
16 explanation of the elements of the offense. The meaning of terms used in the indictment  
17 was explained.  
18

19 Upon questioning, the defendant admitted to facts constituting all of the elements  
20 of the offense charged in Count One and that the evidence the government had available  
21 to establish, in the event defendant elected to go to trial, the defendant's guilt beyond a  
22 reasonable doubt.

23 **F. Voluntariness**

24 The defendant indicated that he was not being forced to plead guilty but was  
25 entering such a plea freely and voluntarily because in fact he is guilty, and that no one  
26 had threatened him or offered a thing of value in exchange for his plea. He acknowledged  
27

1 that no one had made any different or other promises in exchange for his guilty plea,  
2 other than the recommendations set forth in the plea agreement. Throughout the hearing  
3 the defendant was able to consult with his attorney.

#### 4 **IV. Conclusion:**

5  
6 The defendant, by consent, appeared before me pursuant to Rule 11 of the Federal  
7 Rules of Criminal Procedure, and entered a plea of guilty as to Count One of the  
8 indictment. After cautioning and examining the defendant under oath and in open court  
9 concerning each of the subject matters mentioned in Rule 11, I find that the defendant,  
10 Jean Carlos Maldonado-Fernandez is competent to enter this guilty plea, is aware of the  
11 nature of the offense charged and the maximum statutory penalties that it carries,  
12 understands that the charge is supported by evidence and a basis in fact, has admitted to  
13 the elements of the offense, and has done so in an intelligent and voluntary manner with  
14 full knowledge of the consequences of his guilty plea. Therefore, I recommend that the  
15 court accept the guilty plea and that the defendant be adjudged guilty as to Count One of  
16 the indictment.  
17

18  
19 This report and recommendation is filed pursuant to 28 U.S.C. § 636(b)(1)(B) and  
20 Rule 72(d) of the Local Rules of this Court. Any objections to the same must be specific  
21 and must be filed with the Clerk of Court **within 14 days**. Failure to file timely and  
22 specific objections to the report and recommendation is a waiver of the right to appellate  
23 review. *See Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Davet v. Maccorone*, 973 F.2d 22,  
24 30–31 (1st Cir. 1992); *Paterson-Leitch Co. v. Mass. Mun. Wholesale Elec. Co.*, 840 F.2d  
25 985 (1st Cir. 1988); *Borden v. Sec’y of Health & Human Servs.*, 836 F.2d 4, 6 (1st Cir.  
26 1987).  
27

**IT IS SO RECOMMENDED**

In San Juan, Puerto Rico this 2nd day of July, 2024.

S/Héctor L. Ramos-Vega  
HÉCTOR L. RAMOS-VEGA  
UNITED STATES MAGISTRATE JUDGE